

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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KONINKLIKE PHILIPS ELECTRONICS )  
N.V., a Netherlands corporation, )  
 )  
Plaintiff(s), )  
 )  
vs. )  
 )  
KXD TECHNOLOGY, INC., *et al.*, )  
 )  
Defendant(s). )  
\_\_\_\_\_ )

2:05-cv-1532-RLH-GWF

**ORDER**

Before this Court is the Findings, Recommendation and Order of United States Magistrate Judge (#753, filed October 2, 2007), entered by the Honorable George W. Foley, regarding Plaintiff's Emergency Motion for: 1. Order to Show Cause Why KXD Defendants Should Not Be Held in Civil Contempt; 2. Order for Discovery Sanctions (#658) and Plaintiff's Emergency Motion for 1. Order to Show Cause Why Sungale Defendants Should Not Be Held in Civil Contempt; and 2. Order for Discovery Sanctions (#662).<sup>1</sup> No objection was filed to Magistrate Judge Foley's Findings, Recommendation and Order in accordance with Local Rule IB 3-2 of the Rules of Practice of the United States District Court for the District of Nevada. However, pursuant

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The original Findings, Recommendation and Order excluded its application to Defendant KXD Technology, Inc., because it had filed for bankruptcy. However, upon the Bankruptcy Court's modification of the automatic stay to allow this Court to rule on the Order to Show Cause, Judge Foley issued an Order (#763, filed October 5, 2007) including Defendant KXD Technology, Inc. in the Findings, Recommendation and Order (#753) under consideration here.

1 to the Findings, Recommendation and Order to Show Cause, a show cause hearing was conducted  
2 on October 10, 2007. The Defendants failed to show cause why Judge Foley's Findings and  
3 Recommendation should not be adopted.

4 The Court has conducted a *de novo* review of the record in this case in accordance  
5 with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Findings,  
6 Recommendation and Order of Magistrate Judge Foley should be accepted and adopted.

7 IT IS THEREFORE ORDERED that Magistrate Judge's Findings, Recommendation  
8 and Order (#753) as modified is AFFIRMED and ADOPTED, Plaintiff's Emergency Motion for: 1.  
9 Order to Show Cause Why KXD Defendants Should Not Be Held in Civil Contempt; 2. Order for  
10 Discovery Sanctions (#658) and Plaintiff's Emergency Motion for 1. Order to Show Cause Why  
11 Sungale Defendants Should Not Be Held in Civil Contempt; and 2. Order for Discovery Sanctions  
12 (#662) are granted and; and

13 IT IS FURTHER ORDERED that the KXD Defendants', the Sungale Defendants',  
14 and Shenzhen Kaixinda Electronics Co., Ltd.'s answers be hereby stricken and defaults entered as  
15 to each.

16 Dated: October 16, 2007.

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19 **ROGER L. HUNT**  
20 Chief U.S. District Judge  
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